

Journal of Air Law and Commerce

Volume 10 | Issue 1

Article 9

1939

International Regulation

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Recommended Citation

International Regulation, 10 J. AIR L. & COM. 132 (1939)
<https://scholar.smu.edu/jalc/vol10/iss1/9>

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INTERNATIONAL

Department Editors {STEPHEN LATCHFORD
SAMUEL E. GATES

AVIATION ARRANGEMENTS BETWEEN THE UNITED STATES AND CANADA*

(1) Air Navigation

The Secretary of State (Hull) to the Canadian Minister (Marler)

DEPARTMENT OF STATE
Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal air navigation arrangement.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that this arrangement shall be as follows:

ARTICLE I. (a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II. The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III. (a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV. (a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers

* Effected by Exchange of Notes signed July 28, 1938; effective August 1, 1938. From *Executive Agreement Series* Nos. 129, 130 and 131.

and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favored country, engaged in international commerce, or on their passengers, goods and personnel.

ARTICLE V. The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other Party.

ARTICLE VI. The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

ARTICLE VII. Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

ARTICLE VIII. (a) The term "air commerce" as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

ARTICLE IX. (a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

ARTICLE X. (a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or license is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licenses issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licenses issued or rendered valid by either country in favor of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI. (a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a license to install and work such apparatus, which license must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special license for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

ARTICLE XII. (a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft, such as rockets, flares, and similar devices is not prohibited.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII. The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV. (a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before

arriving at such an aircraft on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

ARTICLE XV. The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI. No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

ARTICLE XVII. (a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licenses and the acceptance of certificates of airworthiness for aircraft imported as merchandise.¹

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in

1. The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to air navigation and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to certificates of competency or licenses for the piloting of civil aircraft (Executive Agreement Series No. 130) and the other relating to certificates of airworthiness for export (Executive Agreement Series No. 131), supplant in its entirety the reciprocal arrangement between the United States of America and Canada, for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2).

this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,
Minister of Canada.

The Canadian Minister (Marler) to the Secretary of State (Hull)

No. 175.

CANADIAN LEGATION
Washington, July 28th, 1938.

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal air navigation arrangement between Canada and the United States of America, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARTICLE I. (a) The present arrangement between the United States of America and Canada relates to the operation in either country of civil aircraft duly registered in territory of the other country in accordance with its requirements as to registration.

(b) The term "civil aircraft" shall for the purposes of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

ARTICLE II. The present arrangement shall apply to continental United States of America, including Alaska, and to Canada, including their territorial waters.

ARTICLE III. (a) Each of the Parties to the present arrangement shall grant, in time of peace, liberty of passage above its territory to aircraft of the other Party duly registered in the territory of such other Party, provided that the conditions set forth in the present arrangement are observed.

(b) It is, however, agreed that the establishment and operation by an enterprise of one of the Parties of a regular air route or service to, over or away from the territory of the other Party, with or without a stop, shall be subject to the consent of such other Party.

(c) Any air transport enterprise of either Party applying for permission to operate such a route or service shall be required to submit its application through diplomatic channels.

ARTICLE IV. (a) The aircraft of each of the Parties, passengers and goods carried thereon and personnel employed on the aircraft, shall while within or over the territory of the other Party, be subject to the laws in force in that territory, including all regulations relating to air traffic applicable to foreign aircraft, the transport of passengers and goods, and public safety and order, as well as any regulations concerning entry and clearance, immigration, passports, quarantine and customs.

(b) Subject to the provisions of the preceding paragraph and to the laws and regulations therein specified, the carriage of passengers and the import or export of any goods which may lawfully be imported or exported will be permitted in aircraft of either Party into or out of territory of the other Party; and (subject to the same proviso) such aircraft, passengers and goods carried thereon and personnel employed on the aircraft shall enjoy in the territory mentioned the same privileges as aircraft of such other Party and shall not, merely by reason of the nationality of the aircraft, be

subjected to any other or higher duties or charges than those which are or may be imposed on aircraft of the territory referred to or the aircraft of the most favoured country, engaged in international commerce, or on their passengers, goods and personnel.

ARTICLE V. The regulations (together with any subsequent alterations therein) relative to air traffic in force in territory of either Party shall be communicated to the other Party.

ARTICLE VI. The fuel and lubricating oils retained on board aircraft of either Party arriving in or leaving territory of the other Party shall be exempt from customs duty, even though the fuel and lubricating oils so retained are used by the aircraft on a flight in that territory.

ARTICLE VII. Aerodromes open to public air traffic in territory of either Party shall, so far as they are under its control, be open to aircraft of the other Party, which (subject to the same proviso) will also be entitled to the assistance of the meteorological, radio, lighting and day and night signalling services at such aerodromes. Subject again to the same proviso, the scale of charges at such aerodromes for landing and accommodation shall be the same for aircraft of each of the Parties.

ARTICLE VIII. (a) The term "air commerce" as used in the succeeding paragraph of this article means:—Navigation of aircraft in territory of either Party in the conduct or furtherance of a business; and the commercial transport of passengers or goods between any two points in the territory of either Party.

(b) Air commerce may, in the territory of either Party, be reserved exclusively to its own aircraft. With the reservation of the stipulations contained in Article III concerning regular air routes or services for which special consent is necessary, the aircraft of either Party may, nevertheless, proceed from any aerodrome open to public air traffic in territory of the other Party to any other such aerodrome for the purpose of taking on board or landing the whole or part of their goods or passengers, provided that such goods are covered by through bills of lading and such passengers hold through tickets, issued respectively for a journey the starting place and end of which are not both points between which air commerce has been reserved; and such aircraft while so proceeding from one aerodrome to another shall, notwithstanding that both such aerodromes are points between which air commerce has been reserved, be entitled to the treatment set out in this arrangement.

ARTICLE IX. (a) Air traffic may be prohibited over specified areas in the territories to which this arrangement applies, it being understood that no distinction in this matter will be made by either Party between its aircraft engaged in international commerce and the aircraft of the other Party likewise engaged. Lists of the areas above which air traffic is thus prohibited in territory of either Party, as well as any subsequent alterations therein, will be communicated as soon as possible to the other Party.

(b) In exceptional circumstances air traffic above the whole or any part of the territories to which this arrangement applies may temporarily, and with immediate effect, be limited or prohibited, but no distinction in this respect will be made by either Party between the aircraft of the other Party and the aircraft of any other foreign country.

(c) In the event of any aircraft finding itself over a prohibited area it must, as soon as it is aware of the fact, give the signal of distress prescribed in the Rules of the Air in force in the territory in which the prohibited area is situated, and a landing must be effected as soon as practicable at an aerodrome in that territory, outside but as near as possible to the prohibited area. The obligation to land applies also in respect to flights over prohibited areas by aircraft to which the special signal intended to draw their attention shall have been given.

ARTICLE X. (a) All aircraft of either Party flying in or over the territory of the other Party must carry clear and visible nationality and registration marks whereby they may be recognized during flight.

(b) Such aircraft must also be provided with certificates of registration and airworthiness and with all the other documents prescribed for air traffic in the territory in which they are registered.

(c) The persons employed on such aircraft who perform duties for which a certificate of competency or license is required in the territory in which the aircraft is registered, must carry such documents as are prescribed by the regulations in force in that territory.

(d) The other persons employed on board must carry documents showing their duties in the aircraft, their profession, identity and nationality.

(e) Each of the Parties reserves the right to require lists of the passengers and persons employed on board as well as a manifest of the goods carried on the aircraft.

(f) The certificate of airworthiness, certificates of competency or licenses issued or rendered valid by the competent authorities of either country in respect of its aircraft or of the crew of such aircraft shall be recognized as having the same validity in the territory of the other country as the corresponding documents issued or rendered valid by the competent authorities of such other country; provided that with respect to certificates of competency or licenses issued or rendered valid by either country in favour of nationals of the other country, such recognition may be refused by the latter country.

ARTICLE XI. (a) Aircraft of either Party may, in or over the territory of the other Party, carry radio apparatus only if a license to install and work such apparatus, which license must be carried in the aircraft, has been issued by the competent authorities of the territory in which the aircraft is registered. The use of such apparatus shall be in accordance with the regulations on the subject issued by the competent authorities of the territory flown over.

(b) Such apparatus may be used only by the personnel employed on board who are provided with a special license for the purpose, issued by the competent authorities of the territory in which the aircraft is registered.

(c) For reasons of safety each of the Parties to this arrangement reserves the right to issue regulations relative to the obligatory equipment of aircraft with radio apparatus when in or over its territory.

ARTICLE XII. (a) No explosives, arms of war or munitions of war may be carried by aircraft of either Party in or above the territory of the other Party, or by the personnel employed on board or passengers, except by permission of the competent authorities of that territory.

(b) However, the carriage of accessories necessary to the operation and navigation of the aircraft, such as rockets, flares, and similar devices is not prohibited.

(c) Each of the Parties reserves the right to require that the carriage by aircraft of photographic apparatus be prohibited or regulated by the competent authorities of the territory flown over.

(d) Each of the Parties reserves the right, for reasons of public order and safety, to limit or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a) of this article, provided that no distinction is made in this respect between its national aircraft employed in international traffic and the aircraft of the other Party so employed.

ARTICLE XIII. The competent authorities of each of the Parties shall have the right to search aircraft of the other Party on landing or departure and to inspect the certificates and other documents prescribed in the preceding articles.

ARTICLE XIV. (a) Aircraft of either Party entering or leaving territory of the other Party shall make a first landing at and depart from only an aerodrome open to public air traffic and designated as an airport of entry where facilities exist for the enforcement of customs, passport, quarantine and immigration regulations and the entry and clearance of aircraft; and no intermediate landing other than a forced landing may be effected before arriving at such an airport on entry into the territory concerned or after leaving such an airport on departure from that territory. In special cases, and

subject to the same provisions as to intermediate landing, the competent authorities may allow a first landing at or a departure from another aerodrome where the above-mentioned facilities have been arranged.

(b) Each of the Parties reserves the right to require that aircraft entering its territory shall make its first landing at the airport of entry nearest to the point where the aircraft has crossed the frontier, with the understanding, however, that in this event, permission may be granted for the aircraft to make its first landing at an airport of entry other than the one nearest to the frontier.

(c) In the event of a forced landing or of a landing as provided in paragraph (c) of Article IX, not at an airport of the class mentioned in the preceding paragraph, the personnel employed on board and passengers must conform to the entry and clearance, customs, passport, quarantine and immigration regulations in force in the territory in which the landing occurs.

(d) Lists of aerodromes in territory of either Party which are designated as airports of entry for the purposes of this article will be communicated as soon as possible to the other Party. Any subsequent alterations in these lists will also be communicated to such other Party.

ARTICLE XV. The competent authorities of either Party may require that on entering or leaving its territory the aircraft of the other Party shall do so between specified points. Any requirements of either Party in this respect and any subsequent alterations therein shall be communicated to the other Party. Subject to any such requirement and to the provisions of this arrangement, aircraft of each Party may choose their own route of entry or departure in entering or leaving territory of the other Party.

ARTICLE XVI. No article or substance, other than ballast, may be unloaded or otherwise discharged from aircraft of either Party in the course of flight in or over the territory of the other Party unless special permission to that effect is given by the competent authorities of the territory in which the unloading or discharge occurs. For the purposes of this article ballast means fine sand or water only.

ARTICLE XVII. (a) The present arrangement or any part thereof may be terminated by either Government at any time upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted with the exception of the provisions of the latter arrangement which set forth the conditions governing the issuance of pilots' licenses and the acceptance of certificates of airworthiness for aircraft imported as merchandise.²

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER.

The Honourable CORDELL HULL,
Secretary of State of the United States,
Washington, D. C.

2. See footnote 1, *ante*, p. 7.

(2) Pilot Certificates to Operate Civil Aircraft

The Secretary of State (Hull) to the Canadian Minister (Marler)

DEPARTMENT OF STATE
Washington, July 28, 1938.

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

ARTICLE I. (a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

ARTICLE II. Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

ARTICLE III. Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

ARTICLE IV. Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

ARTICLE V. Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

ARTICLE VI. (a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.¹

1. The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to certificates of competency or licenses for the piloting of civil aircraft and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to air navigation (Executive Agreement Series No. 129) and the other

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,
Minister of Canada.

The Canadian Minister (Marler) to the Secretary of State (Hull)

No. 176

CANADIAN LEGATION
Washington, July 28th, 1938.

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARTICLE I. (a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for non-commercial purposes.

ARTICLE II. Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

ARTICLE III. Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

ARTICLE IV. Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

relating to certificates of airworthiness for export (Executive Agreement Series No. 131), supplant in its entirety the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2).

ARTICLE V. Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

ARTICLE VI. (a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.²

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER.

The Honourable CORDELL HULL,
Secretary of State of the United States,
Washington, D. C.

(3) Certificates of Airworthiness for Export

The Secretary of State (Hull) to the Canadian Minister (Marler)

DEPARTMENT OF STATE
Washington, July 28, 1938.

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the acceptance of certificates of airworthiness for export.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

ARTICLE I. (a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II. The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

2. See footnote 1, *ante*, p. 2.

ARTICLE III. The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV. (a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE V. (a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE VI. (a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

ARTICLE VII. The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

ARTICLE VIII. (a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929,

will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.¹

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

The Honorable

Sir HERBERT MARLER, P. C., K. C. M. G.,
Minister of Canada.

The Canadian Minister (Marler) to the Secretary of State (Hull)

No. 177

CANADIAN LEGATION
Washington, July 28th, 1938.

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the acceptance of certificates of airworthiness for export, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

ARTICLE I. (a) The present arrangement applies to civil aircraft constructed in continental United States of America, including Alaska, and exported to Canada; and to civil aircraft constructed in Canada and exported to continental United States of America, including Alaska.

(b) This arrangement shall extend to civil aircraft of all categories, including those used for public transport and those used for private purposes as well as to components of such aircraft.

ARTICLE II. The same validity shall be conferred by the competent United States authorities on certificates of airworthiness for export issued by the competent Canadian authorities for aircraft subsequently to be registered in the United States as if they had been issued under the regulations in force on the subject in the United States, provided that such aircraft have been constructed in Canada in accordance with the airworthiness requirements of Canada.

ARTICLE III. The same validity shall be conferred by the competent Canadian authorities on certificates of airworthiness for export issued by the competent United States authorities for aircraft subsequently to be registered

1. The present arrangement, signed July 28, 1938, and effective August 1, 1938, relating to certificates of airworthiness for export and two other arrangements between the United States of America and Canada, both also signed July 28, 1938, and effective August 1, 1938, one relating to air navigation (Executive Agreement Series No. 129) and the other relating to certificates of competency or licenses for the piloting of civil aircraft (Executive Agreement Series No. 130), supplant in its entirety the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance of pilots' licenses, and the acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes signed August 29 and October 22, 1929 (Executive Agreement Series No. 2).

in Canada as if they had been issued under the regulations in force on the subject in Canada, provided that such aircraft have been constructed in continental United States or Alaska in accordance with the airworthiness requirements of the United States.

ARTICLE IV. (a) The competent United States authorities shall arrange for the effective communication to the competent Canadian authorities of particulars of compulsory modifications prescribed in the United States, for the purpose of enabling the Canadian authorities to require those modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent United States authorities shall, where necessary, afford the competent Canadian authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE V. (a) The competent Canadian authorities shall arrange for the effective communication to the competent United States authorities of particulars of compulsory modifications prescribed in Canada, for the purpose of enabling the United States authorities to require these modifications to be made to aircraft of the types affected, whose certificates have been validated by them.

(b) The competent Canadian authorities shall, where necessary, afford the competent United States authorities facilities for dealing with non-compulsory modifications which are such as to affect the validity of certificates of airworthiness validated under the terms of this arrangement, or any of the other original conditions of validation. They will similarly give facilities for dealing with cases of major repairs carried out otherwise than by the fitting of spare parts supplied by the original constructors.

ARTICLE VI. (a) The competent authorities of each country shall have the right to make the validation of certificates of airworthiness for export dependent upon the fulfillment of any special conditions which are for the time being required by them for the issue of certificates of airworthiness in their own country. Information with regard to these special conditions in respect to either country will from time to time be communicated to the competent authorities of the other country.

(b) The competent authorities of each country shall keep the competent authorities of the other country fully and currently informed of all regulations in force in regard to the airworthiness of civil aircraft and any changes therein that may from time to time be effected.

ARTICLE VII. The question of procedure to be followed in the application of the provisions of the present arrangement shall be the subject of direct correspondence, whenever necessary, between the competent United States and Canadian authorities.

ARTICLE VIII. (a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929, will be supplanted in so far as it sets forth the conditions governing the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise.²

2. See footnote 1, *ante*, p. 3.

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER.

The Honourable CORDELL HULL,

Secretary of State of the United States,

Washington, D. C.